

#6

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Anil K. AGARWAL, et al.

Attorney Docket A7046

Appln. No. 09/529,773

Group Art Unit: Not yet assigned

Confirmation No.: Not yet assigned

Examiner: Not yet assigned

Filed: April 20, 2000

For: A METHOD FOR UPLINK POWER CONTROL FOR DISTRIBUTED SATELLITE NETWORKS TO COMPENSATE FOR RAIN FADE

RENEWED PETITION UNDER 37 C.F.R. § 1.181BOX PCT

Assistant Commissioner for Patents

Washington, D.C. 20231

Attn: PCT Legal Office

RECEIVED

24 SEP 2001

Legal Staff
International Division

RECEIVED

SEP 14 2001

OFFICE OF PETITIONS
DEPUTY A/C PATENTS

Sir:

Applicants renew their petition in response to the *Decision on Petition Under 37 C.F.R. § 1.181* dated August 14, 2001 (copy attached), denying the *Request for Withdrawal of Abandonment* filed on March 8, 2001. The grounds for the renewed petition are as follows.

Submitted with the REQUEST FOR WITHDRAWAL OF ABANDONMENT on March 8, 2001 were (1) a copy of all papers as filed on June 30, 2000, together with (2) a copy of the stamped PTO Mailroom receipt. However, the copy of the mailroom receipt was partially obliterated by the copy of the check submitted, and this blocked out the USPTO Mailroom stamp clearly showing the documents referred to on the receipt were indeed filed on June 30, 2000.

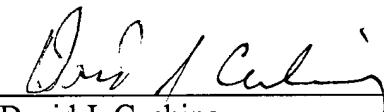
It is further noted that the assignment referred to on the receipt, filed simultaneously with the declaration, was recorded with a recordation date of June 30, 2000, as evidenced from

Response to Decision on Petition Under 37 CFR 1.181
USSN 09/529,773

copies of Form PTO-1595 and the Notice of Recordation of Assignment Document submitted herewith.

In view of the above it is respectfully submitted that the application should not have been abandoned and the Assistant Commissioner is petitioned to withdraw the holding of abandonment.

Respectfully submitted,



David J. Cushing
Registration No. 28,703

SUGHRUE, MION, ZINN,
MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Date: September 14, 2001



AUG 14 2001
UNITED STATES PATENT AND TRADEMARK OFFICE

SWANN

8/8/01

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

SUGHRUE MION ZINN MACPEAK & SEAS
2100 PENNSYLVANIA AVENUE, N W
WASHINGTON, DC 20037-3213

DOCKETED

AUG 17 2001

DECISION ON PETITION

UNDER 37 CFR 1.181

In re Application of
AGARWAL et al.
Application No.: 09/529,773
PCT No.: PCT/US98/21632
Int. Filing Date: 20 October 1998
Priority Date: 20 October 1997
Attorney Docket No.: A7046
For: A METHOD FOR UPLINK POWER
CONTROL FOR DISTRIBUTED SATELLITE
NETWORKS TO COMPENSATE FOR
RAIN FADE

RECEIVED

SEP 14 2001

OFFICE OF PETITIONS
DEPUTY A/C PATENTS

This is a decision on applicants' "Request for Withdrawal of Abandonment" filed on 08 March 2001 in the United States Patent and Trademark Office (USPTO) in the above referenced application and treated as a petition under 37 CFR 1.181. No petition fee is required. This is also in response to applicants' status inquiry filed on 28 June 2001.

BACKGROUND

On 30 May 2000, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period were required.

On 23 February 2001, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicants indicating that applicants had failed to respond to said Notification of Missing Requirements.

On 08 March 2001, applicants submitted the instant petition treated as a petition under 37 CFR 1.181 with a copy of an itemized receipt and a copy of the declaration and assignment allegedly deposited on 30 June 2000.

DISCUSSION

A review of the USPTO application file reveals that said declaration is not contained therein. To prove the timely filing of the declaration in response to the Notification of Missing Requirements, counsel provided an itemized receipt in the form of a transmittal letter, bearing a date-stamp "Filed JUN 30 2000". The letter indicates the submission of a declaration for 09/529,773. However, the date stamp on the itemized receipt does not conform with a USPTO date-stamp and appears to be a date-stamp affixed by the law firm to indicate the papers were filed.

The evidence submitted is insufficient to establish that the declaration for this application was received in the USPTO on 30 June 2000. Accordingly, it is inappropriate to accept the copy of the declaration as a replacement for the missing original declaration with a deposit date of 30 June 2000.

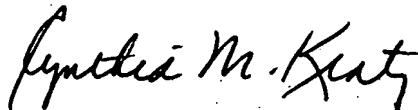
CONCLUSION

For the reasons stated above, the petition under 37 CFR 1.181 is **DISMISSED**
WITHOUT PREJUDICE.

The application remains **ABANDONED**.

Any reconsideration on the merits of this petition should be entitled "Renewed Petition under 37 CFR 1.181".

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the PCT Legal Office.



Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

CMK/cmk

Telephone: (703) 306-5467

8

FILING RECEIPT
PLEASE DATE STAMP AND RETURN TO US - BOX 235X

In re application of

Anil K. AGARWAL, et al.

PCT/US98/21632

Appln. No. 09/529,773

Group Art Unit:

Filed: April 20, 2000

Examiner:

For: A METHOD FOR UPLINK POWER CONTROL FOR DISTRIBUTED SATELLITE
NETWORKS TO COMPENSATE FOR RAIN FADE

PAPER(S) FILED ENTITLED:

1. Submission of Executed Declaration (in duplicate) with executed Declaration and Power of Attorney, copy of PTO Form PCT/DO/EO/905, and PTO Check
2. Executed Assignment with PTO Form 1595 and PTO

SUGHRUE, MION, ZINN,
MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3212
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

DOCKET NO.: A7046
ATTORNEY/SEC: DJC :kjc

Date Filed: June 30, 2000

RECEIVED

SEP 14 2001

OFFICE OF PETITIONS
DEPUTY A/C PATENTS



DJC Kate
gtr



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

NOVEMBER 01, 2000

PTAS

SUGHRUE, MION ET AL
DAVID J. CUSHING
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, D.C. 20037-3213

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 06/30/2000

REEL/FRAME: 010926/0900
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
AGARWAL, ANIL K.

DOC DATE: 06/20/2000

ASSIGNOR:
HARIHARAN, MOORTHY N.

DOC DATE: 06/26/2000

ASSIGNEE:
COMSAT CORPORATION
6560 ROCK SPRING DRIVE
BETHESDA, MARYLAND 20817

FILING DATE:
ISSUE DATE:

SERIAL NUMBER: 09529773
PATENT NUMBER:

MARGARET LASALLE, PARALEGAL
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

RECEIVED
SEP 14 2001

OFFICE OF PETITIONS
DEPUTY A/C PATENTS

07-24-2000



101411385

Form PTO-1595

1-31-92

6:30:00

7/32/00 10
Rec'd PCT/PTC 30 JUN 2000U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

SHEET

To the Assistant Commissioner of Patents. Please record the attached original documents or copy thereof.

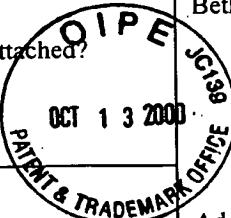
1. Name of conveying party(ies):

Anil K. AGARWAL, Moorthy N. HARIHARAN

2. Name and address of receiving party(ies)?

COMSAT Corporation
6560 Rock Spring Drive
Bethesda, Maryland 20817

Additional name(s) of conveying party(ies) attached?

 yes no


3. Nature of Conveyance:

- Assignment Merger
 Security Agreement Change of Names
 Other

Additional name(s) & address(es) attached?

 yes no

Execution Date: June 20 and June 26, 2000

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)
09/529,773

B. Patent No.(s)

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Suite 800
Washington, D.C. 20037-3213

6. Total number of applications and registration involved:

1

7. Total Fee (37 CFR 3.41): \$40.00

- Enclosed. Please charge any underpayment in connection with this Assignment to Deposit Account No. 19-4880.
 Authorized to be charged to Deposit Account

8. Deposit Account No.

19-4880

DO NOT WRITE IN THIS SPACE

9. Statement and Signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

David J. Cushing

Reg. No. 28,703

June 30, 2000

Date

TOTAL NUMBER OF PAGES COMPRISING COVER SHEET, ATTACHMENTS AND DOCUMENT: 2

OMB No. 0651-0011 (exp. 4/94)

Do not detach this portion

Mail documents to be recorded with required cover sheet information to:

Assistant Commissioner of Patents
Box Assignments
Washington, D.C. 20231

7/10/2000 PDUOLP 00000131 09529773

2 FC:581

40.00 00

RECEIVED

SEP 14 2001

OFFICE OF PETITIONS
DEPUTY A/C PATENTS

Assignment

Whereas, We, Anil K. AGARWAL of Gaithersburg, MD and Moorthy N. HARIHARAN of Germantown, MD, respectively, hereinafter called assignor(s), have invented certain improvements in A METHOD FOR UPLINK POWER CONTROL FOR DISTRIBUTED SATELLITE NETWORKS TO COMPENSATE FOR RAIN FADE and executed an application for Letters Patent of the United States of America therefor on June 20, 2000; and

Whereas,

COMSAT CORPORATION
6560 Rock Spring Drive
Bethesda, MD 20817

(assignee), desires to acquire the entire right, title, and interest in the application and invention, and to any United States patents to be obtained therefor;

Now therefore, for valuable consideration, receipt whereof is hereby acknowledged,

I/We, the above named assignor(s), hereby sell, assign and transfer to the above named assignee, its successors and assigns, the entire right, title and interest in the application and the invention disclosed therein for the United States of America and all countries foreign thereto, including rights of priority under the International Convention of Paris (1883) as amended, and I/we request the Commissioner of Patents to issue any Letters Patent granted upon the invention set forth in the application to the assignee, its successors and assigns; and I/we hereby agree that the assignee may apply for foreign Letters Patent on the invention and I/we will execute without further consideration all papers deemed necessary by the assignee in connection with the United States and foreign applications when called upon to do so by the assignee.

I/We hereby authorize and request our attorneys SUGHRUE, MION, ZINN, MACPEAK & SEAS of 2100 Pennsylvania Avenue, NW, Washington, DC 20037-3212 to insert here in parentheses (Application number 09/529,773, filed April 20, 2000) the filing date and application number of said application when known.

Date:

Anil K. Agarwal 6/20/00

s/Anil K. AGARWAL

Date:

Moorthy N. Hariharan 6/26/00

s/Moorthy N. HARIHARAN

Date:

(Legalization not required for recording but is prima facie evidence of execution under 35 U.S.C. §261)

8/92

RECEIVED

SEP 14 2001

OFFICE OF PETITIONS
DEPUTY A/C PATENTS